

**USDA - FOREST SERVICE
BLACK HILLS NATIONAL FOREST
HELL CANYON RANGER DISTRICT**

TEMPORARY MOTORIZED TRAIL RESTRICTIONS

PROHIBITIONS:

Pursuant to 16(U.S.C.) §551 and 36 (C.F.R.) 261.50, 261.55 (b) the following acts are prohibited on National Forest System trails. Being on the Martin Trail system with any OHV's is prohibited while active logging is occurring. The closure trail is depicted on the attached map hereby incorporated into this order as Exhibit A (the "restricted area") located on the Black Hills National Forest, Custer County, South Dakota. The purpose of this order is to maintain health and public safety.

1. Using any type of motor vehicle on the Martin Trail system or portion of the trail system prohibited by this order. 36 CFR 261.55(b)

EXEMPTIONS:

Pursuant to 36 C.F.R. § 261.50(e), the following persons are exempt from this Order:

1. Person(s) with a Forest Service permit specifically authorizing the prohibited act or omission.
2. Any Federal, State or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.

RESTRICTED TRAIL:

The restricted trail is located within Township 5 South, Range 3 East, Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 28 and Township 4 South, Range 3 East, Sections 31 and 32, and is part of the Martin motorized trail system. The trail is depicted on the attached map (Exhibit A).

PURPOSE:

The purpose of this temporary Order is to protect public health and safety due to an active commercial timber sale (18 Mile) in the area and the vehicles and the associated log hauling truck and heavy equipment traffic that will be using the trail system for removal of the timber. The sale contract expiration date is September 30, 2022. Commercial operations will be intermittent during this period allowing for recreational use of portions of the trail system throughout the sale.

IMPLEMENTATION:

1. This Order will be in effect when signed, and will remain in effect until September 30, 2022, unless rescinded earlier.
2. A map identifying the closure area is attached and made part of this Order as Exhibit A.
3. This order supersedes, rescinds, and replaces any previous orders prohibiting the same acts covered by this order.
4. Any violation of this prohibition is punishable as a Class B misdemeanor, by a fine of not more than \$5,000.00 for individuals and \$10,000.00 for organizations, or imprisonment for not more than six (6) months, or both. 16 U.S.C. §551 and 18 U.S.C. §§ 3559 and 3571.

Done at Custer, South Dakota, this 28th day of February, 2018.

/s/ Mark E. Van Every
MARK E. VAN EVERY
Forest Supervisor
Black Hills National Forest

Management Objectives and Enforcement Plan

BKF-144-2018

The purpose of the closure is to protect motorized trail users from harm due to conflicts with heavy equipment and logging truck traffic which will be using the motorized trail system for removing timber. The trails system, normally open to Off Highway Vehicles (OHVs) 62" and under, is the longest on the district, and therefore is often used by families with youth that are not licensed to drive on Forest System Roads. Allowing use on this trail system by OHVs and logging vehicles at the same time would create safety hazards for the both. The district desires to close the motorized trail system, or portions which are currently being logged, (which is already restricted to vehicles not more than 62" in width) to all use by OHVs while the commercial timber sale is in progress.

The timber operations will not be active all year and will move throughout the area within the Martin Trail System during the contract period. Therefore, the closure order shall allow for recreational use by Off Highway Vehicles (OHVs) no wider than 62" in areas where there is no active logging operation. Adequate public notification and signing on the ground will be posted to bring attention to the closure.

Forest Service law enforcement officers (LEO's), as well as District Forest Protection Officers (FPO's) will enforce the motorized vehicle restrictions in the indicated area on the attached map. Hell Canyon Ranger District employees will coordinate closely with LEOs to ensure proper communication on the status of the closure, and necessary action, and any illegal activity being reported.

Patrols by LEOs and FPOs will be used to provide presence, education and enforcement.

Motor Vehicle Restrictions are covered under the National Environmental Policy Act provision, Forest Service Handbook 1909.15, 31.12 (1), Categories for Which a Project or Case File and Decision Memo Are Not required; Categories Established by the Chief; 1. "Orders issued pursuant to 36 CFR Part 261 - "Prohibitions to provide short-term resource protection or to protect public health and safety". No extraordinary circumstances exist to indicate this action does not belong in this category. This action does not individually or cumulatively have a significant effect on the quality of the human environment and therefore is categorically excluded from documentation in an EIS or EA.

The Forest will coordinate the implementation and rescinding of the Order with interested or potentially affected persons by placing Order information in the newspaper and radio announcements, on the Forest website and posting with Orders at Forest Service Offices. When the Order is in effect, the Forest Service will post the Order and regulatory signs at known access points. The Closure Area is shown on Exhibit A.

SUBPART B

ORDER REQUEST JUSTIFICATION FORM

ORDER NUMBER: BKF-144-2018

1. **DESIRED ACT:** Trail Closure Order
2. **REASON FOR THE ORDER:** The purpose of this Order is to protect human life and provide public safety due to the commercial timber sale operations using the trail system to remove product.
3. **HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM?** (Y) (N)
 - **DESCRIBE:** Other sales have allowed use on the trails by both recreational users and commercial log haulers. The district feels that this is not the best option for this trail system due to the particular trail system and the family groups that frequent it.
4. **PERIOD OF TIME THE ORDER WILL BE IN EFFECT:** From date signed through September 30, 2022 (completion of the timber sale contract) (approximately five years).
5. **LIST THOSE EXEMPT FROM THE ORDER:**
 - A. Any Federal, State or local officer, or member of an organized rescue or fire fighting force or Forest officers in the performance of an official duty.
 - B. Any person with a Forest Service permit specifically authorizing the otherwise prohibited act or omission (specifically the timber sale contractors).
6. **HAS AN ENFORCEMENT PLAN AND SIGN PLAN BEEN ESTABLISHED?** (Y) (N).
 - **WHO WILL ENFORCE THE ORDER?** Federal LEOs and FPOs.
 - **WHO WILL ENSURE PROPER SIGNING?** Hell Canyon Ranger District
7. **WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT?** (Y) (N).
8. **HAS THE PUBLIC BEEN NOTIFIED?** (Y) (N)
 - **DESCRIBE HOW:** News releases on closure of trails as well as posted notices at Forest Service offices throughout Black Hills National Forest and in the area of the closure:
 - Trail #3235, 3303, 3400, 3401, 3402 and portions of trail 3200
 - New news releases should be sent near signing date for this closure order and with each subsequent change in the trail system closure.
9. **COMPLETE THE ORDER USING THIS CHECKLIST.**

Recommended: /s/ Anne Apodaca 2/26/18
Forest Recreation and Lands Program Manager Date

Reviewed: /s/ Tracy Anderson 2/21/18
District Ranger Date

Reviewed: /s/ Michael R. Hope 2-20-18
Office of General Counsel, Regional Office Date

Reviewed: /s/ Ralph Adam 2/26/18
Forest Staff Officer Date

Reviewed: /s/ David Hartley 2/20/18
Law Enforcement Patrol Captain Date

CIVIL RIGHTS IMPACTS ANALYSIS

UNITED STATES DEPARTMENT OF AGRICULTURE
Forest Service
Rocky Mountain Region

TEMPORARY MOTORIZED TRAIL RESTRICTIONS ORDER

Black Hills National Forest
Custer, South Dakota

Purpose:

The purpose for developing a Civil Rights Impact Analysis (CRIA) is to provide the Forest Service decision maker adequate information concerning potential civil rights impacts of the proposed action (closure). Civil rights impacts are those which could affect the agency's ability to ensure equal opportunity in employment and in the delivery of programs and services.

Favorable Impacts:

The proposed action would:

- Provide reasonable access to National Forest System trails when hazards of other legitimate forest uses (timber sale operations) are not present on portions of the Martin Trail System, while protecting forest visitors (especially under-aged non licensed drivers) while timber sale operations are active. In accordance with the Travel Management Rule, all motorized vehicles must stay on an established system of routes and areas within the Black Hills National Forest. The Martin Trails system is within this established system. A temporary closure of parts of the system, when necessary, still allow recreational use in other portions of the system. Other motorized trails in the area not affected by the 18 Mile Timber Sale will remain open for recreational use.
- Exempted users will continue to have access to the closed area including Forest Service personnel conducting official business, emergency providers, and commercial operators.

Unfavorable Impacts:

The proposed action would:

- Temporarily restrict access to the general public for recreational motor vehicle use to this portion of the trail system while active logging operations are occurring. To use the trail system on the Black Hills National Forest, motor vehicles must have a motorized trail permit which users must purchase. A portion of the trail system the users have paid for through the purchase of this permit will not be available.

Mitigation Measures:

During periods of no timber sale activity, when logging trucks and heavy equipment are not present to pose a risk to trail users, trail segments may be opened for recreational use. The area within the closure order would remain open to foot traffic during timber sale operations and continue to be accessible to the public. This closure order will be rescinded at the end of the timber sale contract period (September 30, 2022) or sooner if timber sale operations are concluded. The Black Hills National Forest has approximately 650 miles of motorized trails. The Martin Trail System is only 48 miles of this system. Many other trails are available for motorized use.

Social Impacts:

The proposed action does not imposed any unreasonable adverse impacts on the civil rights of any individuals. The overall benefits are reasonable, as compared to the unfavorable impacts. The action is temporary in nature and thus is not irreversible and will be subject to monitoring and evaluation in the future.

Net Civil Rights Impact:

There are no negative Civil Rights Impacts, due to implementation of mitigation measures.

/s/ Mark E. Van Every

MARK E. VAN EVERY

Forest Supervisor

Black Hills National Forest

Feb. 28, 2018

Date